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Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 10

Resolution adopted by the Human Rights Council on 23 March 2018

37/39. Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, 31/28 of 24 March 2016 and 34/39 of 24 March 2017, by which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the deterioration of the security situation and the increase in attacks by terrorist groups in the north and their spread to central and southern Mali, and the rise of violent extremism, the proliferation of small arms, drug trafficking, migrant smuggling, the traffic in persons and other transnational organized criminal activities,

Deeply concerned also about continued human rights violations and breaches, including abuses, the slow progress in the implementation of some relevant provisions of the Agreement on Peace and Reconciliation in Mali and the difficulties in the redeployment of government services and the access of the population to basic social services,

Remaining concerned over the food and humanitarian crisis faced by the populations affected by the conflict and by the insecurity which hinders humanitarian access, and condemning the attacks against humanitarian personnel,

Noting with satisfaction the fact that the Government of Mali and the signatory groups have renewed their commitment to expeditiously fulfil their obligations under the Agreement on Peace and Reconciliation in Mali, in particular the adoption of a calendar of priority actions, and the progress represented by the appointment of interim authorities, and stressing that much progress remains to be made towards the full implementation of the Agreement, in particular the effective implementation of decentralization, transitional justice, the disarmament, demobilization and reintegration process, justice sector reform and security sector reform,

Welcoming Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against in particular those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including acts targeting the civilian population, including women and children,

Noting the commitment made by the Government of Mali at a number of sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Welcoming the cooperation of the Malian authorities with international human rights mechanisms, notably the planning of two visits to Mali by thematic special procedures mandate holders of the Human Rights Council in 2018,

Noting the holding of the third universal periodic review of Mali in January 2018 and encouraging the Government of Mali to take the necessary measures for the implementation of the recommendations that it accepts,

Taking note of the latest report of the Secretary-General on the situation in Mali,[1] in which he expresses concern about the lack of involvement of women in the peace process and reiterates that they should be included in all decision-making structures relating to the peace process, and emphasizing the important role of women in prevention and resolution of conflicts and in peacebuilding,

Taking note also of the joint report of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the Office of the United Nations High Commissioner for Human Rights on human rights and the peace process in Mali, published in February 2018, which finds that more than 600 cases of human rights violations and abuses were committed between January 2016 and June 2017, involving more than 2,700 victims, and which demonstrates that respect for human rights can create an environment that is conducive to the implementation of the Peace Agreement, and underscoring the importance of the human rights reports prepared by the United Nations Multidimensional Integrated Stabilization Mission in Mali in fulfilment of one of the components of its mandate for the promotion and protection of human rights,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[2]

Noting the account taken by the G5 Sahel joint force of the human rights due diligence policy on United Nations support to non-United Nations security forces,

Noting also the establishment of the framework for ensuring the compliance of the joint force operations with human rights and international humanitarian law,

[1] S/2017/1105.
[2] A/HRC/37/78.

1. *Strongly condemns* the violations and abuses of human rights and the violations of international humanitarian law, including those involving the recruitment and use of children as soldiers and the violations of their rights, and the violations and abuses of women's rights that have been perpetrated in Mali since the beginning of the crisis, and all the terrorist attacks, including the fatal attacks committed in 2018 against itinerant traders;

2. *Also strongly condemns* the attacks, including terrorist attacks against civilians, the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the French forces, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Government of Mali to ensure that those responsible for these acts are prosecuted;

3. *Reiterates* its call for an immediate halt to all human rights violations, breaches and abuses, and for the strict observance of all human rights and fundamental freedoms;

4. *Calls upon* all parties to facilitate full, safe, and unhindered access for the timely delivery of aid to all persons in need across Mali, and to ensure the safety and protection of civilians receiving assistance and of humanitarian personnel operating in Mali;

5. *Calls upon* the Government of Mali to continue and to intensify its efforts to protect, respect and fulfil human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

6. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, in line with their renewed commitments made at the last meeting of the Agreement Monitoring Committee held on 15 and 16 January 2018, including those relating to the disarmament, demobilization and reintegration of former rebel fighters, the redeployment of Malian armed forces throughout the territory and decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes the involvement of the Carter Center as an independent observer of the Peace Agreement;

7. *Encourages* the Malian authorities to put in place all necessary measures to prevent and put an end to the unlawful recruitment and use of children as soldiers, and to implement sustainable reintegration and rehabilitation programmes, including by taking into account the gender perspective;

8. *Notes with appreciation* the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012, notes that on 27 September 2016 the Court found an individual guilty of intentionally directing attacks against buildings of a religious and historical character in Timbuktu, and recalls that it is important for all Malian stakeholders to lend the Court their support and cooperation;

9. *Supports*, in this regard, the efforts of the Government of Mali to bring all perpetrators of violations and abuses of human rights and international humanitarian law before impartial and independent courts, urges it to intensify those efforts and encourages it to continue its cooperation with the International Criminal Court;

10. *Welcomes* the establishment by the Secretary-General of the International Commission of Inquiry provided for by the Agreement on Peace and Reconciliation in Mali to investigate the grave violations of human rights and international humanitarian law committed in Mali since January 2012, and encourages the United Nations Secretariat to provide the Commission with the necessary means to carry out its mandate;

11. *Calls upon* the Government of Mali to ensure that women participate more fully in the national reconciliation process and in all decision-making structures relating to the peace process, in conformity with relevant Security Council resolutions and the law establishing a 30 per cent quota for women in national institutions that was adopted by the Government in December 2015, and to heighten the political empowerment of women at all levels;

12. *Supports* the measures taken by the Government to transfer pupils from some insecure localities in the northern and central regions to other schools and to organize special assessments for them;

13. *Welcomes* the establishment by the Malian authorities of a ministerial department dedicated exclusively to the promotion and protection of human rights, commends the progress achieved by the Justice, Truth and Reconciliation Commission, which has made it possible to collect more than 7,000 statements from victims in several regions of Mali, and encourages the Malian authorities to ensure that the Commission has the independence and means needed to fulfil its mandate to support the victims of the crises in Mali;

14. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made towards attaining peace and security in Mali;

15. *Commends* the work of the United Nations Multidimensional Integrated Stabilization Mission in Mali to support the efforts of the Government of Mali to restore State authority and the rule of law in the country, and deplores the loss of life suffered by it;

16. *Emphasizes* that the efforts of the G5 Sahel joint force to counter the activities of terrorist groups and other organized criminal groups will help to create a more secure environment and at last to establish the conditions required to improve the human rights situation in Mali, and emphasizes the need to operationalize the human rights protection and accountability mechanisms;

17. *Requests* all parties to respect human rights and to ensure their strict observance of international human rights law and international humanitarian law, in particular in the course of counter-terrorism operations;

18. *Reiterates* its appreciation for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing conditions conducive to the gradual recovery of the country;

19. *Welcomes* the formulation of the Specific Development Strategy for the Northern Regions of Mali, urges the Government to pursue its development work through the implementation of the Emergency Programme for the Revival of Development in the North and the Reconstruction and Economic Recovery Programme, and also urges the Government to accelerate the return of the administration and basic services in the centre and north of the country and to work towards establishing an acceptable level of security;

20. *Requests* friendly countries and partner organizations that have pledged contributions at conferences on the development of Mali to honour those pledges in order to assist the Government to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

21. *Reaffirms* the need to proceed swiftly with the electoral process and welcomes the arrangements for holding, within the time frame set by the Constitution, fair, free, transparent and inclusive elections in 2018 that guarantee freedom of expression and the will of the people;

22. *Welcomes* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him;

23. *Notes with satisfaction* that the Government of Mali has undertaken to act upon the recommendations made by the Independent Expert following his visits to Mali;

24. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the

situation of human rights in Mali and to assist the Government of Mali in its efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

25. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

26. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

27. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its fortieth session;

28. *Decides* to hold a dialogue at its fortieth session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the situation of human rights in the country, with a particular focus on the fight against impunity;

29. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

30. *Requests* the High Commissioner to continue to provide the technical assistance requested by the Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali, and encourages the Malian authorities to bring the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and to provide it with the necessary means to carry out its work independently;

31. *Urges* the international community to continue to provide assistance to Mali in order to ensure its stability with a view to promoting respect for all human rights and to carrying out a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

32. *Decides* to remain seized of this matter.

Fifty-sixth session
23 March 2018

[Adopted without a vote.]

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Human Rights Council
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26 February–23 March 2018
Agenda item 10

Resolution adopted by the Human Rights Council on 23 March 2018

37/40. Cooperation with Georgia

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Bearing in mind relevant regional instruments, in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Recalling its resolution 34/37 of 24 March 2017,

Reaffirming its commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders,

Reaffirming also the primary responsibility of States to promote and protect human rights and fundamental freedoms,

Recognizing the importance of the Geneva international discussions as an instrument for addressing security, stability, human rights and humanitarian issues,

Welcoming the cooperation of the Government of Georgia with the Office of the United Nations High Commissioner for Human Rights, its office in Tbilisi, and other relevant international and regional human rights mechanisms and actors,

Welcoming also the continuous technical assistance provided by the Office of the High Commissioner through its office in Tbilisi,

Recognizing the significance of the report of the High Commissioner,[1]

Stressing the findings of the High Commissioner in the report, in which he underscored the responsibility of the authorities in control in both regions to uphold the fundamental freedoms and human rights of all people living therein and expressed regret at the refusal of those in control of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia to grant unimpeded access to staff members of the Office of the High Commissioner and to United Nations human rights mechanisms,

[1] A/HRC/36/65.

Expressing serious concern at the discrimination based on ethnic grounds, restrictions on education in one's native language in both Georgian regions, and the reported mass demolition of houses of ethnic Georgians in the Tskhinvali region,

Recognizing with appreciation the efforts of the Government of Georgia to strengthen democracy, the rule of law and the promotion and protection of human rights, and in this context welcoming the cooperation of the Government with United Nations and regional human rights mechanisms,

Expressing concern that internally displaced persons and refugees continue to be deprived of the right to return to their homes in a safe and dignified manner,

Expressing serious concern at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions by those in control of those regions,

Recognizing in this context the importance of and need for periodic reports of the Office of the High Commissioner for an objective and impartial assessment of the situation of human rights in both Georgian regions,

1. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance through his office in Tbilisi;

2. *Strongly calls for* immediate access to be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;

3. *Requests* the High Commissioner to present to the Human Rights Council, in accordance with its resolution 5/1 of 18 June 2007, an oral update on the follow-up to the present resolution at its thirty-eighth session, and to present a written report on developments relating to and the implementation of the present resolution at its thirty-ninth session.

56th meeting
23 March 2018

[Adopted by a recorded vote of 19 to 5, with 23 abstentions. The voting was as follows:

In favour:

Australia, Belgium, Côte d'Ivoire, Croatia, Democratic Republic of the Congo, Georgia, Germany, Hungary, Japan, Mexico, Panama, Peru, Slovakia, Slovenia, Spain, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Burundi, China, Cuba, Philippines, Venezuela (Bolivarian Republic of)

Abstaining:

Afghanistan, Angola, Brazil, Chile, Ecuador, Egypt, Ethiopia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nepal, Nigeria, Pakistan, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Senegal, South Africa, Switzerland, Tunisia, United Arab Emirates]